

§ 18.94

required by section 103(d) of the Act has been provided, and (3) the Director has made a determination, in the case of State laws and regulations, to approve such State laws and regulations pursuant to section 109(a)(2) of the Act and subpart F of this part.

(b) The provisions of this subpart, unless specifically stated, apply to all taking and/or importation of each species of marine mammal for which the moratorium has been waived other than takings for scientific research or public display, which are governed by § 18.31 of this part, or takings incidental to commercial fishing operations which are governed by § 18.24.

§ 18.94 Pacific walrus (Alaska).

(a) Pursuant to sections 101(a)(3)(A) 103, and 109 of the Marine Mammal Protection Act of 1972, the moratorium on the hunting and killing of Pacific walrus (*Odobenus rosmarus*) in waters or on lands subject to the jurisdiction of the State of Alaska, the United States, or on the high seas by any person, vessel, or conveyance subject to the jurisdiction of the State of Alaska or the United States, is waived, provided that beginning August 2, 1979 this waiver shall not be effective, and no taking or importation under the waiver shall be allowed, until this section is amended to establish regulations to effectively control taking and otherwise implement the waiver.

(b) [Reserved]

[41 FR 14373, Apr. 5, 1976, as amended at 44 FR 45566, Aug. 2, 1979]

Subpart I [Reserved]

Subpart J—Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska

SOURCE: 58 FR 60410, Nov. 16, 1993, unless otherwise noted.

EFFECTIVE DATE NOTE: At 58 FR 60410, Nov. 16, 1993, subpart J was added to part 18, effective Dec. 16, 1993 through June 16, 1995. At 60 FR 31258, June 14, 1995, the effective date was extended for 60 days through Aug. 15, 1995. At

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60 FR 42805, Aug. 17, 1995, the effective date was further extended through Dec. 15, 1998.

§ 18.121 Specified activity and specified geographical region.

Regulations in this subpart apply to the incidental, but not intentional, take of polar bear and walrus by U.S. citizens (as defined in § 18.27(c)) engaged in oil and gas exploration, development, and production activities in the Beaufort Sea and adjacent northern coast of Alaska. The specified geographical area is defined by a North/South line at Barrow, Alaska, and includes all Alaska State waters, and Outer Continental Shelf waters east of that line to the Canadian border and an area 25 miles inland from Barrow on the west to the Canning River on the east. The Arctic National Wildlife Refuge is excluded.

[58 FR 60410, Nov. 16, 1993, as amended at 60 FR 42809, Aug. 17, 1995]

EFFECTIVE DATE NOTE: At 60 FR 42809, Aug. 17, 1995, § 18.121 was amended by removing “Outer Continental Shelf waters east of” and adding in its place “Outer Continental Shelf waters east of”, effective Aug. 15, 1995 through Dec. 15, 1998.

§ 18.122 Effective dates.

Regulations in this subpart will continue in effect through December 15, 1998, for oil and gas exploration, development, and production activities.

[60 FR 42809, Aug. 17, 1995]

EFFECTIVE DATE NOTE: At 60 FR 42809, Aug. 17, 1995, § 18.122 was revised, effective Aug. 15, 1995 through Dec. 15, 1998.

§ 18.123 Permissible methods.

(a) The incidental, but not intentional, take of polar bear and walrus by U.S. citizens holding a Letter of Authorization (see § 18.128) is permitted for takes resulting from:

(1) Activities associated with conducting geological and geophysical surveys;

(2) Activities associated with drilling exploratory wells and associated activities; and

(3) Activities associated with drilling production wells and performing production support operations.

(b) The methods and activities identified in § 18.123(a) must be conducted in a manner that minimizes to the